

December 22, 2012

To: Honorable David C. Bury

From: Willis D. Hawley, Special Master

Re: Overview of the Unitary Status Plan

The purpose of the “Overview” is to provide an introduction to and context for the recommendations I am making about the provisions of the Unitary Status Plan being submitted today.

My Recommendations

As you know, the USP submitted today is the product of a collaboration among the District, the Plaintiffs and the Special Master. Most of the provisions have been agreed to by all of the Parties and by me. Where one of the parties has objected to a provision of the plan, I make a recommendation to accept or reject the objection and explain my reasoning. In the case of every objection, the provision at issue has the support of the other three Parties. In the case of culturally relevant courses, Section V.D.6.a.ii, the State of Arizona and the District both object and the other parties and I oppose the objections. The State also objects to Section V.d.6.a.1.

In only three cases have I introduced a provision to which the Parties did not agree. I explain why I introduced each of these additions.

To facilitate your consideration of the USP, I have made my recommendations in the margins of the Plan next to the objection. In three instances an addendum is added because the extent of my comments exceed the space available. The way comments get added sometime puts my recommendation before the objection and sometimes after. However, I label and bold each of my recommendations. All of the objections made by the Parties in both their November 9, 2012 and their December 14, 2012 filings are identified in this version of the USP being submitted on December 22.

Content of the Plan

This USP addresses all of the *Green* factors.

The Plan uses attendance boundaries, pairing and clustering of schools, magnet schools and programs, and open enrollment to promote the racial and ethnic integration of the District's school and provides incentives and support for families to select integrated schools outside the attendance zone of their nearest school.

A fundamental goal of this USP is to create conditions and capabilities that will enhance the academic achievement and attainment of African American and Latino students and to do so in ways that increase the quality of education received by all students. Further, the Plan seeks to ensure that once the district is declared unitary, it will have the commitments, capabilities, and processes in place to meet the needs of all students and to engage in continuous improvement.

Mechanisms that provide for accountability are essential and this Plan has many such provisions. However, accountability can result in defensiveness and stifle change. Thus, it is critical that the ways the district is held accountable motivate and facilitate improved performance of the District's staff.

This Court has emphasized the importance of transparency. In most desegregation plans, transparency has meant that the desegregation plan must make information and data available to the plaintiffs and to the larger community about what the district is doing—what actions it is taking and how it is allocating financial and human resources. This plan does that but it also requires that the District describe in detail what the outcomes are of its programs, processes and financial expenditures. The Plan does this not only to enhance accountability but to give direction to improvements—to enable District educators and the Governing Board to engage in evidence-based decision making.

The quality of teaching students experience is the single most important determinant of how much they learn in school. This plan requires the district to engage in comprehensive evaluation of teacher (and principal) performance and to provide relevant professional development. This introduces yet another form of accountability that has the potential to improve performance of both staff and students.

The plaintiffs in this case have had experiences over time that cause them to doubt the commitment of the district to African American and Latino students. The District, while taking initiative to pursue a consent decree also equivocates about its obligations (see the first paragraph of the District's November 9, 2012, objections). This history and the current protectionism reflected in the District's objections to the Plan understandably causes the plaintiffs to want specific numerical goals identified in the plan that can be used to measure District success. It is, however, difficult to know what goals can reasonably be attained in many cases. And, the research on organizational effectiveness in human service organizations, as well as recent state and district "reform" policies, are replete with examples of counterproductive goal setting.

This USP embodies what organizational psychologists call the "expectancy theory of motivation". People are motivated by goals they believe they should and can attain. So, in many cases, the Plan requires those responsible for a given action (e.g., increasing the number and proportion of students in "Advanced Academic Courses"), to develop goals for each different situation, make those goals public, and evaluate whether the goals are achieved. If goals are not achieved, the District is expected to identify program or personnel improvements that need to be made. One might think that goals set in this way are likely to be excessively modest. But, in general, educators have high goals for students and, in any event, do not like to publically say that they cannot help their students achieve. This is particularly true when falling short is matched by support for improvement. Contrary to popular belief, reflected in too many educational

policies, high stakes assessment seldom leads to long term organizational improvement.

Coherence of the USP and Partial Relief from Court Supervision

This Plan is more than the sum of its parts. It is a coherent set of strategies for remedying the vestiges of segregation and discrimination and allowing the District to attain unitary status. And, it is a set of strategies that will simultaneously enhance the capabilities of the District to engage in continuous school improvement.

Because the elements of the USP are interrelated and because the District has not provided the Court with relevant evidence, I recommend that the District not be granted relief from Court supervision on any of the Green factors at this time.